



# City of Annapolis

Department of Planning & Zoning  
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## Board of Appeals

June 4, 2013

The Board of Appeals of the City of Annapolis held its regularly scheduled meeting on June 4, 2013 in the City Council Chambers. **Chair** Zazzali called the meeting to order at 7:03pm.

**Members Present:** **Chair** Zazzali, **Vice Chair** Elkington, Latham, Reyes Garcia

**Staff Present:** Elson-Assistant City Attorney, Rouse, Gudenius, Scott

**Vice Chair** Elkington moved approval of the agenda as amended. Ms. Latham seconded the motion. The motion passed unanimously in a vote of 4-0.

### C. PUBLIC HEARING AND DELIBERATIONS

#### 1. Community Health Center at Parole Special Exception, #S.E. #2013-004

Ms. Rouse presented the special exception request to reestablish a group daycare center at the Community Health Center at Parole. The center began its operations at this location in 1949 and the original daycare center was established in the early 1960's operating until 1983 before closing. The center was reestablished in 1987 and operated up until two years ago at which time the use lapsed. The center has negotiated an arrangement with a new provider to reopen so will pursue state licensing requirements. Staff recommends approval of the application as submitted.

Mr. JoRon Johnson reiterated that the Parole Health Center is trying to reestablish its daycare center to serve the residents of the Parole area so have made plans to reopen.

**Chair** Zazzali accepted the following exhibits into the record.

Exhibit Number	Board of Appeals Exhibit Type
1	Staff Memorandum dated May 28, 2013 with attachments
2	Rhonda Pindell Charles Letter dated June 4, 2013

Public testimony opened at 7:12pm and those speaking on the application are listed below.

Name	Address	In Favor	In Opposition
Rhonda Pindell Charles	6 Dominoe Road	X	
Alice Wright	641 Bywater Road	X	
Joey Tomassori	1620 Poplar Avenue	X	

No one else from the public spoke on the application so **Chair** Zazzali declared the public testimony closed at 7:17pm.

#### 2. MacDonald Variance, #VAR2013-001

Ms. Gudenius described the variance request to build an addition to existing house to replace the damaged structure due to a tree falling on the during Hurricane Sandy. The applicants decided to add some additional repairs and part of the construction will be located within the expanded 100-foot buffer. Staff recommends approval of the application as submitted.

Mr. William Bowers explained that the proposal allows the applicant to construct additions as part of the repairs to the house that was damaged during the storm. The structure is currently uninhabited until the repairs are made. He asked that the Board to consider expediting this application so that the applicants can move back into their home sooner rather than later.

Ms. Scarlett Breeding, Architect, described the proposed repairs and additions to the existing structure.

Mr. Bob Ruby of Champion Landscaping prepared the mitigation plan and responded to questions from the Board regarding the landscaping plan.

**Chair Zazzali** accepted the following exhibits into the record.

<b>Exhibit Number</b>	<b>Board of Appeals Exhibit Type</b>
<b>1</b>	Staff Memorandum dated May 23, 2013 with attachments

Public testimony opened at 7:32pm and no one from the public spoke in favor or in opposition of the application so **Chair Zazzali** declared the public hearing closed at 7:34pm.

#### **5. Jobson Variance, #VAR2013-006**

Ms. Gudenius presented the variance request for a reduced side and rear yard setbacks to reconstruct a second floor storage area above the existing garage to be used as a personal office. Staff recommends approval of the variance request as submitted.

Mr. Gary Jobson, Applicant, has owned the home since 1981 and plan to retire in early 2015 so will need a place for office work. The addition will not be any larger than the existing footprint.

**Chair Zazzali** accepted the following exhibits into the record.

<b>Exhibit Number</b>	<b>Board of Appeals Exhibit Type</b>
<b>1</b>	Staff Memorandum dated May 23, 2013with attachments
<b>2A-2D</b>	Letters of Support-Hartman, Kilcollin, Rankin, Pensky

Public testimony opened at 7:48pm and no one from the public spoke in favor or in opposition to the application so **Chair Zazzali** declared the public hearing closed at 7:49pm

#### **3. Mona Variance, #VAR2013-004**

Mr. Scott discussed the variance request for reduced front, rear and side yard setbacks to allow for the replacement of two single car garages with carport. The application meets the seven standards so staff recommends approval of the request as submitted.

Mr. Mona noted that the structure was built around the 1950's and is unsafe due to deterioration.

**Chair Zazzali** accepted the following exhibits into the record.

<b>Exhibit Number</b>	<b>Board of Appeals Exhibit Type</b>
<b>1</b>	Staff Memorandum dated May 1, 2013 with attachments

Public testimony opened at 7:57pm and no one from the public spoke in favor or in opposition to the application so **Chair Zazzali** declared the public hearing closed at 7:58pm.

#### **4. Smith Variance, #VAR2013-005**

**Chair Zazzali** disclosed that he is the applicant's neighbor but this will not affect his ability to hear and vote on the case. The applicant was amenable to **Chair Zazzali's** participation.

Mr. Scott presented the variance request for a reduced side yard setback to allow the construction of a shed. After describing various components of the project, he does not support the application as submitted because the seven standards have not been met.

Mr. Smith referred to the plat included in the staff memorandum packet and described the proposed location for the shed. He noted that the proposed location is the best location on the property. The house does not have a basement, garage or accessible attic and there is a need for additional storage space. He believes that the application meets all the criteria required for granting a variance.

**Chair** Zazzali accepted the following exhibits into the record.

Exhibit Number	Board of Appeals Exhibit Type
1	Staff Memorandum dated May 28, 2013 with attachments
2	DeKornfeld Letter of Support dated May 31, 2013

Public testimony opened at 8:11pm and no one from the public spoke in favor or in opposition of the application so **Chair** Zazzali declared the public hearing closed at 8:12pm.

**A. APPROVAL OF MEETING MINUTES**

**1. May 7, 2013 Meeting Minutes**

**Vice Chair** Elkington moved approval of the May 7, 2013 meeting minutes as amended. Ms. Latham seconded the motion. The motion passed unanimously in a vote of 4-0.

**B. SIGNING OF OPINIONS**

**1. Sin Fronteras Café, #2013-003**

**Vice Chair** Elkington moved to adopt the opinion as written. Ms. Reyes Garcia seconded the motion. The motion passed unanimously in a vote of 4-0.

**2. Douglas Variance, VAR 2012-012**

**Vice Chair** Elkington moved to adopt the opinion as written. Ms. Latham seconded the motion. The motion passed unanimously in a vote 4-0.

**Deliberations**

**1. Parole Health Center, #S.E. 2013-004**

Ms. Latham moved approval of the Parole Health Center as conditioned by staff. Ms. Reyes Garcia seconded the motion. The motion passed unanimously in a vote of 4-0.

**2. MacDonald, VAR2013-001**

**Vice Chair** Elkington moved approval of the variance request for the MacDonald application as submitted. Ms. Reyes Garcia seconded the motion. The motion passed unanimously in a vote of 4-0.

**5. Jobson, VAR2013-006**

**Vice Chair** Elkington moved approval of the variance request by Mr. Jobson as submitted. Ms. Latham seconded the motion. The motion passed unanimously in a vote of 4-0.

**3. Mona, VAR2013-004**

**Vice Chair** Elkington moved approval of the variance request by Mr. Mona as submitted. Ms. Reyes Garcia seconded the motion. The motion passed unanimously in a vote of 4-0.

**4. Smith, VAR2013-005**

**Chair** Zazzali agreed to participate in the vote but will only use the evidence presented at the meeting and not any fore knowledge of the application.

**Vice Chair** Elkington based on the findings by the Board and the staff memorandum, finds that the variance requirements have not been met, moved to deny the application as submitted. Ms. Latham seconded the motion. The motion passed unanimously in a vote of 4-0.

**D. ADJOURNMENT**

With there being no further business, **Vice Chair** Elkington moved to adjourn the meeting at 9:01pm. Ms. Latham seconded the motion. The motion passed unanimously in a vote of 4-0.

Tami Hook, Recorder